

REMARKS

The specification is amended to fill in a blank noted by the Examiner.

Applicants thank the Examiner for allowing claims 13, 15, and 29. Claims 4, 6, 8, 10, 18, 23, 25, and 27 depend from claim 13 and are therefore also allowable.

Claims 1-11, 17-19, 21, 23-25, 27, 32-35, and 38-43 are rejected under 35 U.S.C. 103(a) as being anticipated by Kondoh et al., U.S. Patent No. 6,194,743 (hereinafter "Kondoh") in view of Carter-Coman et al., U.S. Patent 6,222,207 (hereinafter "Carter-Coman"). Applicants respectfully traverse the rejection. Carter-Coman issued on April 24, 2001, after the present application was filed, thus Carter-Coman qualifies as prior art only under 35 U.S.C. 102(e). At the time the present invention was made, the present invention and Carter-Coman were both subject to an obligation of assignment to the same person, Lumileds Lighting U.S. LLC. Accordingly, Carter-Coman does not preclude patentability of the present invention under 35 U.S.C. 103(c), and thus cannot be used to make an obviousness rejection against the present application.

Claim 1 recites a "migration barrier [that] comprises at least one of Ti and W."

Claim 28 recites a "migration barrier [that] comprises at least one of Al, Cr, Cu, Au, Sn, Rh, Re, Ru." Claim 32 recites a "migration barrier comprising at least one of Ti, W, Al, Cr, Cu, Au, Sn, Rh, Re, Ru." Applicants can find no such teachings in Kondoh. Accordingly, claims 1, 28, and 32, as well as the claims that depend from these claims, are allowable over Kondoh.

Claims 1-11, 17-19, 21, 23-25, 27, 32-35, and 38-43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent 6,222,207 in view of Kondoh. Applicants submit herewith a terminal disclaimer satisfying the requirements of 37 C.F.R. 1.321(c). Applicants respectfully request that the Examiner withdraw her rejection to the claims under the judicially created doctrine of obviousness-type double patenting.

103(c)
Statement

The references in the attached PTO form 1449 were cited during the prosecution of U.S. Patent 6,222,207.

In view of the above arguments, Applicants respectfully request allowance of all pending claims. Should the Examiner have any questions, the Examiner is invited to call the undersigned at (408) 382-0480.

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Respectfully submitted,



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